

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Sung-Hee HWANG et al.

CONFIRMATION NO.: 8424

APPLICATION NO.: 10/821,187

GROUP ART UNIT: 2627

FILING DATE: April 9, 2004

EXAMINER: Jorge L. ORTIZ-CRIADO

TITLE: Recording/reproducing method, recording/reproducing apparatus, optical recording medium, and computer readable recording medium having recorded thereon program for the recording/reproducing method

REQUEST FOR RECONSIDERATION IN RESPONSE TO FINAL OFFICE ACTION

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DO NOT ENTER: /J.O./ (10/01/2010)

Dear Sir:

The application has been reviewed in light of the rejection dated July 7, 2010. Claims 1, 4-7, 9-10, 12-17, 28-32, 48, 55, 57-59, and 61-62 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claim 55 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Park et al. (WO 2004/077412; hereinafter "Park '412"). This rejection is respectfully traversed. Applicants respectfully submit that Park '412 is not prior art to the present application.

The present application is supported by and claims priority to Korean Patent Application No. 2003-23727, Korean Patent Application No. 2003-23728, and Korean Patent Application No. 2003-23729, all filed on April 15, 2003, therefore having an effective filing date of April 15, 2003. Verified English translations of Korean Patent Application No. 2003-23727, Korean

Patent Application No. 2003-23728, and Korean Patent Application No. 2003-23729 are submitted herewith.

Park '412 has an international filing date of February 25, 2004, which is after the effective filing date of the present application. In accordance with M.P.E.P. § 706.02(f)(1), the foreign priority claims of the WIPO publication are not considered. Accordingly, Applicants respectfully submit that Park '412 is disqualified as prior art.

Since Park '412 is disqualified as prior art, claim 55 is not anticipated by Ko '038. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claim 55 be withdrawn and the claim allowed.

Claims 1, 4-6, 10, 13-14, 16, 28, 31, 48, and 61-62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko (US 2002/0105868; hereinafter "Ko '868") in view of Park et al. (US 6,477,126; hereinafter "Park '126") and/or Ko (US 6,367,038; hereinafter "Ko '038"), and further in view of Park '412. This rejection is respectfully traversed. As discussed above, Park '412 is not prior art to the present application. Since Ko '868, Park '126, and Ko '038 are not combinable with Park '412, claims 1, 4-6, 10, 13-14, 16, 28, 31, 48, and 61-62 are not obvious over the cited combination. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 1, 4-6, 10, 13-14, 16, 28, 31, 48, and 61-62 be withdrawn and the claims allowed.

Claims 7, 9, 12, 15, 17, 29-30, 32, and 57-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko '868 in view of Park '126 and/or Ko '038, and further in view of

Park '412, and still further in view of Park et al. (US 2004/0179445; hereinafter "Park '445"). This rejection is respectfully traversed. As discussed above, Park '412 is not prior art to the present application. In addition, Applicants respectfully submit that Park '445 is also not prior art to the present application.

Park '445 is cited as a 103(a) reference via 102(e), having a publication date after the filing date of the present application. Park '445 claims priority to an Korean application Korean Patent Application No. 2003-015634, filed on March 13, 2003, in Korean. In accordance with M.P.E.P. § 706.02(f)(1), at least because the priority application was not published in English, the reference may only be prior art as of its U.S. filing date. *See, e.g.,* Example 3 of M.P.E.P. § 706.02(f)(1). The U.S. filing date of Park '445 is September 26, 2003, which is after the above-described April 15, 2003, effective filing date of the present application. Accordingly, Applicants respectfully submit that Park '445 is disqualified as prior art.

Since Ko '868, Park '126, and Ko '038 are not combinable with Park '412 or Park '445, claims 7, 9, 12, 15, 17, 29-30, 32, and 57-59 are not obvious over the cited combination. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 7, 9, 12, 15, 17, 29-30, 32, and 57-59 be withdrawn and the claims allowed.

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: September 7, 2010

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